

ZB# 02-58

Paul Neumann

25-3-1

#02-58-Neumann, Paul

Area 25-3-1

Prelim.

Oct. 28, 2002.

Public Hearing:

November 25, 2002.

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Variances Granted 11/25/02

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

EASEMENTS OR RIGHT-OF-WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE, ARE NOT SHOWN.

B E I N G:

LOT 82 AS SHOWN ON A MAP ENTITLED "MAP OF PLOT C, WILLOW ACRES", FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON DECEMBER 15, 1959 AS MAP #1847.

ALSO BEING LOT 1, BLOCK 3, SECTION 25 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

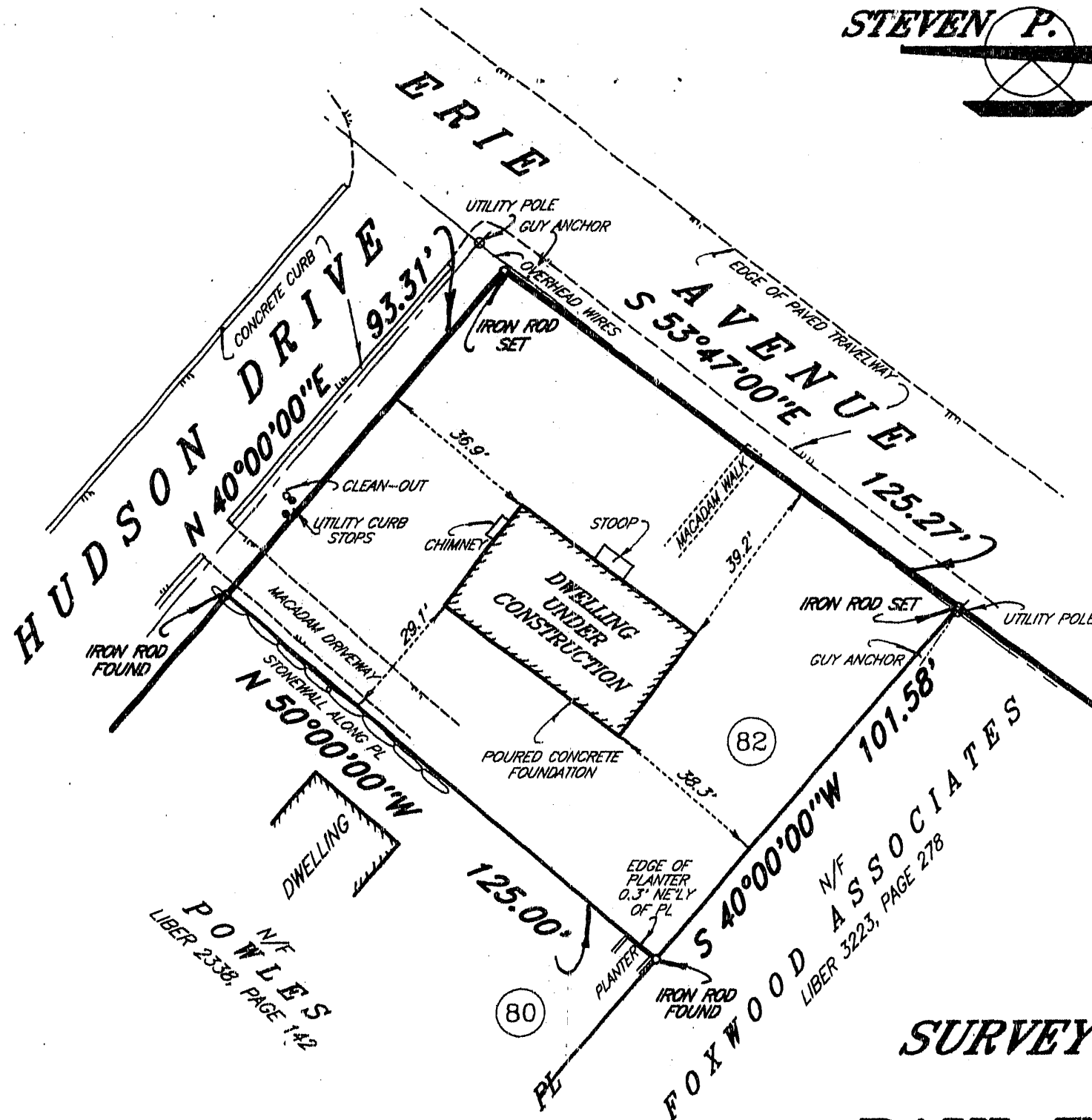
**A R E A = 0.2796 ACRE
OR 12,180 SQ. FT.**

FIELD SURVEY FOR FOUNDATION LOCATION COMPLETED ON 9/13/02.

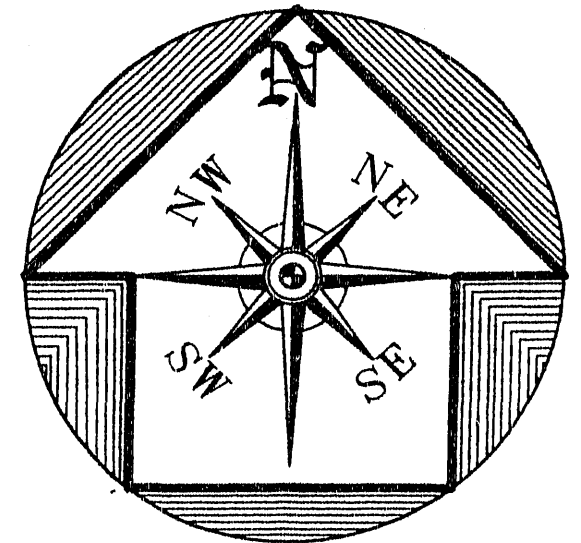
I HEREBY CERTIFY ONLY TO THE PARTIES LISTED HEREON THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 4/10/02 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.

THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

* PAUL F. NEUMANN,
* CHERYL B. NEUMANN



STEVEN P. DRABICK P.L.S., PC
PROFESSIONAL LAND SURVEYOR
PO BOX 539
CORNWALL, N.Y. 12518
(845)-534-2208



RECEIVED

SEP 23 2002

BUILDING DEPARTMENT

**SURVEY OF PROPERTY
FOR
PAUL F. & CHERYL B.
NEUMANN**

TOWN OF NEW WINDSOR
SCALE: 1" = 30'

ORANGE COUNTY, NEW YORK
MAY 9, 2002 REVISED: 5/28/02
9/17/02
JOB NO. 912-02

STEVEN P. DRABICK, PLS NY LIC. #49806

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Neumann, Paul

FILE# 02-58

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid # 6036
11/4/02*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*paid # 6037
11/4/02*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 10/24/02 - 3 \$ 13.50
2ND PRELIMINARY- PER PAGE \$
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$ 45.00
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 58.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 10/24/02 \$ 35.00
2ND PRELIM. \$
3RD PRELIM. \$
PUBLIC HEARING \$ 35.00
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 128.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 171.50 *L.I.*



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

January 28, 2003

Mr. Paul Neumann
82 Hudson Drive
New Windsor, NY 12553

SUBJECT: ZBA #02-58 VARIANCE REQUEST

Dear Mr. Neumann:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

-----X
In the Matter of the Application of

PAUL NEUMANN

#02-58
-----X

MEMORANDUM OF
DECISION GRANTING

AREA VARIANCES

WHEREAS, PAUL NEUMANN, owners of 82 Hudson Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a 1 ft. 9 inch rear yard variance for construction of residence on corner lot, in an R-4 zone; and

WHEREAS, a public hearing was held on the 25th day of November, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, one person spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The structure that was on the property was destroyed by fire. When the structure was rebuilt, it was placed incorrectly on the property by the excavator.
 - (c) The objectant is a neighbor who objected to the fact that persons on a deck on the subject property would be able to see into his neighboring house.
 - (d) Construction of the deck and house will not require the removal of trees or vegetation.
 - (e) The construction of the deck and house will not cause the ponding or collection of water or affect the water drainage from the property.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

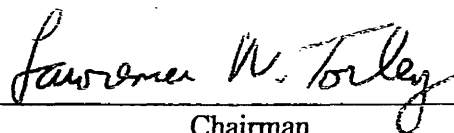
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 1 ft. 9 inch rear yard variance for construction of residence and deck on corner lot, at the above residence, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 15, 2003


Chairman

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JANUARY 15, 2003
SUBJECT: REFUND REMAINDER OF ESCROW

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 171.50 TO CLOSE
OUT ESCROW FOR:**

ZBA FILE # 02-58

NAME: PAUL NEUMANN

ADDRESS: 82 HUDSON DRIVE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

*1/15/03
L.R.*

PH. 845-3000

55-95/212
06

Pay to the
Order of

Town of New Windsor

\$ 50.00

fifty dollars & 00/100

Dollars

Commerce

Bank

America's Most Convenient Bank
1-800-YES-3000

For

VARIANCE FEES #02-58

C. Blumman

⑆021200957⑆ ⑆01800631 8⑆ 6036

© 1995 Commerce Bank

PH. 843 0000

55-95/212
06

Pay to the
Order of

Town of ...

\$ 300.00

Three hundred & 00/100

Dollars

Commerce
Bank

Service's Most Convenient Bank®

For

VARIANCE FEES #02-58

[Signature]

⑆021200957⑆ ⑈018⑈00631 8⑈ 6037

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#998-2002

11/04/2002

Neumann, Cherylann B. [#]02-38

Received \$ 50.00 for Zoning Board Fees on 11/04/2002. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

NEUMANN, PAUL

Mr. Paul Neumann appeared before the board for this proposal.

MR. TORLEY: Request for 1 ft. 9 in. rear yard variance for construction of residence on corner lot at 82 Hudson Drive in R-4 zone. Anyone that wishes to speak on this matter?

MS. CORSETTI: For the record on November 4 we sent out 33 public hearing notices to adjacent property owners and we have one person here.

MR. TORLEY: Tell us what your problem is.

MR. NEUMANN: Problem is that essentially the builder did not put the house exactly on the proper dimensions that he was supposed to and by doing so, we encroached on the setback boundary on the, it says rear yard, it's actually the side yard but--

MR. KANE: Corner lot two front yards?

MR. NEUMANN: Yes, sir.

MR. KRIEGER: Legally it's the rear yard but appears visually to be the side yard.

MR. NEUMANN: Exactly and essentially, I think you can tell from the pictures we had a small deck put on, there's a small little deck because I was trying to in the future I'd like to put a deck there which I know will require another variance, so don't worry about it at this time. In order to match the siding and I want to put a sliding glass door in so that's why we have the little set of stairs. And out back, there's another small deck there which I had informed you about at a previous hearing and that's where I'm at right in now.

MR. TORLEY: So the reason you have this difficulty is not that the lot is too small or the building too big but simply mis-sited by the contractors?

MR. NEUMANN: Yes.

MR. KANE: Obviously, it would be an economic hardship to fix the problem?

MR. NEUMANN: Yes, definitely.

MR. KANE: With the residence being moved that close were there any creation of water hazards or runoffs from the building?

MR. NEUMANN: Not that I can tell, sir, no.

MR. TORLEY: And this one foot 9 inch rear yard variance would not be considered a major variance request.

MR. KANE: Right.

MR. TORLEY: If there are no other questions from the board, I will open it up to the public. Sir, you had some questions?

MR. POWLES: Yes, Harold Powles. I had some questions, I'm just trying to gain a little bit of privacy since the house is actually 1.9 feet off, it actually changes the view that he has to my, since his house is on a corner, his back is my actually part of my front yard, my side yard and my rear yard.

MR. TORLEY: Which is your dwelling, sir?

MR. POWLES: This one right here so since his house is 1.9 feet this way, I'd like to dispute about the large house being on a small lot, actually, it's a 48 foot house on a 48 foot opening. You know what I'm saying? So it's actually a large lot, I mean, a large house, it's the biggest house he can put on that lot and with the house being the 1.9 feet down this way, this porch that he showed you a picture of gives it a perfect view of my two windows and my privacy in my back yard, you know what I'm saying, and I'm not asking you obviously ain't gonna move the house but I'm really, really surprised that Paul didn't do a variance prior because if you notice, he's putting a 48 foot house on a 48 foot lot. He ordered the house with a 6 foot glass

sliding door, obviously he was only, so when he ordered the house, he already needed a variance even if the house was in the right spot.

MR. TORLEY: According to the plans filed, it met all the requirements for the lot?

MR. BABCOCK: I think what Paul told us prior to the meeting tonight that he has an entry deck on each in the back and then the side and what I'm understanding is that that deck is, I'm not sure what the size of it is so he may need a greater variance than what we're talking about tonight cause we're only talking about the house. What size is the deck in the back where you need the variance, Paul?

MR. NEUMANN: The deck on that side is 4 feet wide and ends up that's not the one that he's talking about the one that's on the side is 4 feet wide, technically from the end of the deck to the bottom deck is 15 feet long but it's a long the side of the house.

MR. TORLEY: How much of entrance ramp pad is he allowed?

MR. BABCOCK: Typically, we say three foot for the door.

MR. POWLES: But he's got a 6 foot sliding door so that's not going to work.

MR. BABCOCK: He's 4 foot out and he's about I'm gonna say he's saying 15 foot with the stairs, so he's probably about 8 or 9, 10 foot wide, this deck's probably ten feet.

MR. NEUMANN: Yes.

MR. POWLES: I've got a couple pictures, this picture has a black line but that's what I see out of my kitchen window.

MR. KANE: Can we do anything in this public hearing with that deck since it's not on the denial?

MS. CORSETTI: We didn't know about it.

MR. TORLEY: All we're dealing with is the actual foundations of the house, C.O.s for the decks, et cetera, if they do not meet the code, you have to come back for another variance.

MR. POWLES: That's him.

MR. KANE: No, we're just saying that the decks are not in question tonight, we can't address them.

MR. POWLES: I don't know if I spoke to Mike but I thought that the variance guys incorporated both of them together, wasn't something like that mentioned?

MR. BABCOCK: That's what I figured is what we'd do.

MR. TORLEY: This 1 foot 9 inches doesn't cover the--

MR. BABCOCK: That's correct, he actually needs 5 foot 9 inches.

MR. KANE: But that wasn't, can we change that now because technically, it wasn't in the newspaper.

MR. KRIEGER: Yeah, the only thing you're changing are the dimensions of what's required.

MR. POWLES: There's nobody else here in this case here it only affects me.

MS. CORSETTI: Wait a minute, it says here this is the way it was written, existing single family residence with less than the allowable rear yard.

MR. KANE: Just want to make sure we cover everything.

MR. POWLES: It doesn't affect everybody else him being the corner lot, I'm directly behind, you know what I'm saying and like I say, 1.9 feet doesn't sound like a lot. I spoke to somebody else in the Town of Newburgh and you probably, you guys are probably going to laugh at this, but like George Meyers says, every foot in a development means a lot. Well, there's 82 houses on

Hudson, 41 on each side. If everybody got 1.9 feet, there'd be 16 less houses in the development. So I'm just trying to get a little privacy, you know what I'm saying, I don't want the guy to move his house, Paul knows that I don't want him to move his windows, you know what I'm saying.

MR. TORLEY: If some means can be arranged to screen them by vegetation.

MR. POWLES: Well, George Meyers addressed that, too, but if you look--

MR. KANE: George Meyers has nothing to do with this board.

MR. POWLES: George Meyers suggested to me to get a price.

MR. TORLEY: Price for what?

MR. POWLES: For shrubbery. If you look at his deck is so tall, it's already one story above me, when I look out my window, I look right across his deck so shrubbery--

MR. TORLEY: But if that deck was, if the whole thing was moved that direction five feet, will that make much difference how much you're seeing it?

MR. POWLES: It would put it in between my two windows but not really, you know.

MR. MC DONALD: Can I ask a question? I'm looking at this and we're talking about this deck right here, right, and in other words, he can, from this deck--

MR. POWLES: No, that's not the right picture.

MR. MC DONALD: Which one are we looking at? Can I see one that we're looking at?

MR. POWLES: That one there.

MR. MC DONALD: This is the back of your house?

MR. POWLES: Yes, that's the back of his house.

MR. MC DONALD: So the deck is a concern. What about the second floor windows?

MR. POWLES: I think you guys would laugh at me to ask to do something with them, like I'm saying, I'm no landscape contractor, the shrubbery is out of question because of the height of his property over top of mine. Actually, I did figure up a figure of what it would cost to put 8 by 10 foot shrubs, comes out to \$8,800 so I don't think that's a questionable thing to even reasonable thing to do. I really don't feel that you know my house I didn't do anything on my house, the mistake is not on my house, why should my house be compensated. I re-did my house and took all the trimable (sic.) shrubs out and like I was saying--

MR. TORLEY: Here's the situation, it's a balancing act, obviously this gentleman can't physically move his house.

MR. POWLES: I'm not asking him to do that, no.

MR. TORLEY: The question is the deck now how much, the deck we're talking about now how much of a variance would that deck require that we're talking about now?

MR. POWLES: This deck right here, he don't require a variance for that.

MR. TORLEY: If that doesn't require a variance, there's nothing we can do.

MR. BABCOCK: He requires the variance for the other deck in the back to make this.

MR. TORLEY: This is the deck that requires the variance.

MR. BABCOCK: No.

MR. KANE: No, this one here.

MR. BABCOCK: There's a deck on the end of the house side of the house, if you will.

MR. TORLEY: This is the deck that requires the variance?

MR. BABCOCK: That's correct.

MR. TORLEY: This is the one that you have difficulty with?

MR. POWLES: No, see what I would like since I can't put a fence high enough up, I'd like to see if he can put a 6 foot fence on his deck.

MR. TORLEY: Fence the deck?

MR. POWLES: Yes.

MR. TORLEY: That would be if that deck meets the code, we can't do anything about that, that's between you two gentlemen.

MR. BABCOCK: Larry, what he's actually saying is that if you took the deck and the house and moved it the 1 foot 9 that he's asking for the variance, the deck would be far enough ahead where he wouldn't be seeing where he could see around his property.

MR. POWLES: Don't let him move the deck, compensate by putting 6 foot privacy deck.

MR. BABCOCK: If he stands on the corner of his deck, he can see the whole back of his yard. If you took that deck and moved it ahead with the house two feet, he wouldn't be able to do that, that's what he's saying and he's saying if he could put a fence around the deck, not a fence, a privacy screen around the deck, that would make him happy.

MR. TORLEY: Two things we're doing the location of the house itself is pretty much we can't ask him to try to move that, there's the balancing act for moving a house two feet.

MR. BABCOCK: But based on the location of the house is where the door is so that made the deck where the door is.

MR. POWLES: Now that it's built, you can't have him move it, actually, that's the, the guy that put it in was putting it in 15 feet. Off the first time I questioned it and I said to the guys I thought you're supposed to stay inside them flags, this is when he's putting the excavator on after he dug the hole and he says he looks at 'em and says wow, yeah, maybe you're right, he says, so I went and got the phone book, I gave them the phone number to the building department, he says yeah, you're right, so then he goes out and gets the excavator and he starts digging, well, he didn't dig all the way. At the end of the day he says I've had it, this is as far as I'm going, this is the Town of New Windsor and you only got to get close in order to go for a variance. I've got to live with the mistakes, you know what I'm saying so--

MR. NEUMANN: Wish I heard that one. I never heard that.

MR. POWLES: Then one flag is still there, the foundation is halfway up, you can see that the house is completely out, so they're standing around having coffee, they're looking and says man, that things out, young kid goes over, gets on the excavator, scoops the mark out, throws it off the side and away we go.

MR. TORLEY: I don't know what to tell you on this.

MR. BABCOCK: Mr. Chairman, I haven't talked to the applicant, I wanted to do that and go talk to Paul because I've dealt with him through the whole project, my guys have, if he's willing to do something like that, just to make good neighbors, then there's no issue.

MR. NEUMANN: Definitely want to make good neighbors.

MR. TORLEY: So that's between you two folks, that issue. Right now, what we're dealing with is the 4 foot 9 inch variance then.

MR. BABCOCK: Five foot seven is what I come up with.

MR. MC DONALD: For the one on the side, right?

MR. BABCOCK: Yes.

MR. KANE: Other one doesn't need anything.

MR. BABCOCK: Typically in his rear yard.

MR. TORLEY: In this case, it's a side yard.

MR. TORLEY: We're changing the requested variance to a 5 foot 7 inch variance.

MR. BABCOCK: it's 5 foot 9.

MS. CORSETTI: You have to change the notice of disapproval, please.

MR. BABCOCK: I'll give you a new copy tomorrow.

MR. TORLEY: So far as the deck material you guys can work that out. I'm going to close the public hearing now and open it back up to the members of the board. Gentlemen, do you have any other questions?

MR. MC DONALD: Accept a motion?

MR. TORLEY: Yes, if there are no other questions.

MR. MC DONALD: Make a motion we grant Paul Newman his request for the 5 foot 9 inch rear yard variance.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE

MR. REIS: Can we add that it includes the deck?

MR. TORLEY: We gave him a variance for the back yard, what he's doing with it--

MR. BABCOCK: Right, it's the variance because of the deck and the house, the house is 1 foot 9 so he needs 5 foot 9 variance.

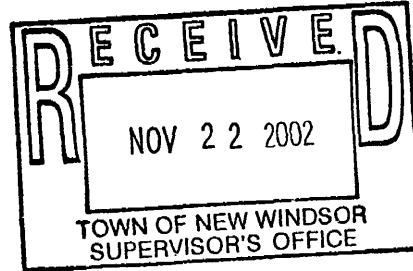
MR. KANE: One foot nine inches for the house, 4 foot for the deck.

MR. TORLEY: For a total of 5 foot 9 inches.

Harold K. Powles
80 Hudson Drive
New Windsor, NY 12553

November 22, 2002

Mr. George Meyers
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553



Dear Mr. Meyers,

I am writing in regard to the new house located at 82 Hudson Drive. As you are aware, I am very upset with the size of this house in comparison with the lot size. I spoke with you when I was aware of this situation and you told me that as long as it was within its set backs I could not have any complaints. Now that the house is completely built with its porches, I received a letter regarding a variance hearing. This house is not within its set backs and in the wrong location.

What little privacy I had is now gone. What no one realizes is that before this neighbors house was destroyed, he hung out all hours of the night on his previous porch. He is not allowed to smoke in his house. He now has two porches at a higher level to hang out on. The back porch is directly across from my kitchen window which also gives him a view to my back yard and the side porch gives him a full view of the back of my house and back yard. No fence is high enough to give me privacy around my spa which is already located directly behind my house in a sunk down patio. This patio is approximately 2 feet below my back lawn level. We have already encounter him on the back porch after 12 midnight when going out to use our spa. Of course he stands at the end where he can see around our house. I do not wish to cause trouble with our neighbors but I also would like some consideration.

I would like to suggest some ideas to correct this problem. Move the back porch approximately 2 feet towards Hudson Drive to the location it would have been if the house was in the right location. This would stop direct sight into my kitchen window and around the back of my house. The two feet does not sound like a lot but this would completely change where he would stand on the back porch. Erect a 6 foot privacy fence around the perimeter of their back and side porches since it would not work if we installed one.

I would understand if you did not feel comfortable interfering with the Zoning Board but felt that any help would be greatly appreciated. Thank you for letting me try to explain my situation and doing the great things you have done in the New Windsor area.

Very truly yours,

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
Oct. 28, 2002.
#0258.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 9/23/02

APPLICANT: Paul Neumann
82 Hudson Drive
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : BP# 760-2002

LOCATED AT: 82 Hudson Drive

ZONE: R-4 Sec/Blk/ Lot: 25-3-1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. New house under construction does not meet minimum 40ft rear yard set-back. This is a corner lot.

**COPY
FILE COPY**


BUILDING INSPECTOR

PERMITTED 40ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 8-G

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

38ft3in

1ft9in

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

SECTIONS



BUILDING PERMIT

The Town of New Windsor Building Department, County of Orange, State Of New York
hereby issues permit for project as described herein:

Permit Number:

PA2002-0760

Tax Parcel ID:

25-3-1

Issue Date: **July 11, 2002**

Permit Issued To: **Owner**

Permit Fee: **\$844.40**

Permit Application Reference **PA2002-0760**

Type Of Permit: **RESIDENTIAL**

ONE FAMILY DWELLIN

FILE COPY

Street Address of Property: **82 HUDSON DR**

Property Owner's Name: **NEUMANN PAUL F &
VANDERVLIT CHERYLANN**

Property Owner's Address: **82 HUDSON DR
NEW WINDSOR NY 12553**

Occupant's Name:

Occupancy Classification: **A1**

Description Of Work: **ONE-FAMILY HOUSE - REBUILD AFTER FIRE**

I am familiar with the Zoning/Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. The information stated above is correct and accurate.

Paul F. Neumann

Signature of Applicant

A permit, under which no work has commenced within six (6) months after issuance, shall expire by limitation. Furthermore, a permit that no Certificate of Occupancy or Certificate of Compliance has been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstance a new building permit shall be secured before work can begin or be completed.

It is the responsibility of the Owner/Occupant and/or Contractor to comply with all applicable ordinances. Notification requests for inspection must be made at least 24 hours in advance to the number shown below. Voice mail requests for inspections will not be scheduled. YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE when calling for any inspections or inquiries.

You must call for the following phases

FOOTING **BUILDING DEP**
FOOTING DRAINS **BUILDING DEP**
FRAMING **BUILDING DEP**
ROUGH ELECTRIC **UNDERWRITE**
C.O. OR C.C. **BUILDING DEP 845-563-4618**

FOUNDATION **BUILDING DEP**
SLAB **BUILDING DEP**
ROUGH PLUMBING **BUILDING DEP**
INSULATION **BUILDING DEP**

8/22/02 OK RK
9/10/02 garage insulation OK RK

Robert J. Hughes

Signature of Building Inspector

VALID UNTIL

1/11/04

8/29/02 SLAB Failed - VERY SOFT from RAIN

8/15/02 Spoke to Brian will need Survey After Foundation is Done

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-58

Date: 10/10/02.

I. ✓ Applicant Information:

- (a) PAUL F. AND CHERYLANN B. NEUMANN 845-569-1410 N.W.
(Name, address and phone of Applicant) (Owner) 845-735-6072 P.R.
- (b) 82 HUDSON DR. NEW WINDSOR, N.Y. 12553 914-420-1298 cell
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) CHELSEA MODULAR HOMES P.O. BOX 870 1 RIVERVIEW DRIVE.
(Name, address and phone of contractor/engineer/architect)
MARLBORO, N.Y. 12542 845-236-1200

II. Application type:

- () Use Variance () Sign Variance
- (X) Area Variance () Interpretation

III. ✓ Property Information:

- (a) R-4 82 HUDSON DRIVE 25/3/1 126 X 101 +
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 08/16/1991
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____,
to allow:
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes___ No___.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12., Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>38.3' ft</u>	<u>1ft. 9 in</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance;

Original structure was destroyed by a fire; new structure replaces this one. There will be no physical or environmental changes to the neighborhood.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments: N/A

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: October 26, 2002

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x Paul F. Neumann
(Applicant)

Sworn to before me this

25th day of October, 2002

XI. ZBA Action:

Patricia A. Corsetti

(a) Public Hearing date: _____

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2005.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Paul Neumann,

AFFIDAVIT OF
SERVICE
BY MAIL

02-58.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Patricia A. Consetti being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 4th day of November, 2002, I compared the 33 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Consetti

Sworn to before me this

____ day of _____, 20____.

Notary Public

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 58

Request of Paul Neumann

for a VARIANCE of the Zoning Local Law to Permit:

existing single-family residence of less than the
allowable rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Col. G

for property situated as follows:

82 Hudson Drive, New Windsor, N.Y. 12553

known and designated as tax map Section 25, Blk. 3 Lot 1

PUBLIC HEARING will take place on the 25th day of November,
2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

Date

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550
.....

DATE			CLAIMED	ALLOWED
10/28/07	Lenora Board Mtg		75 00	
	Misc - 2			
	Post - 3			
	Newman - 3 13.50.			
	Kreiner - 4			
	Monaco - 4			
	Accettura - 3			
	Chin - 3			
	Yarus - 4		117 00	
	26			
			193 00	

NEUMANN, PAUL

MR. TORLEY: Request for 1 ft. 9 in. rear yard variance for an existing single-family residence at 82 Hudson Drive in an R-4 zone.

Mr. Paul Neumann appeared before the board for this proposal.

MR. TORLEY: What's the problem?

MR. NEUMANN: What the problem is exactly sir is that my builders--

MR. TORLEY: Put the foundation in the wrong spot.

MR. NEUMANN: Essentially, yes, by 1 foot 9 inches, they had to essentially put up a box within a box within certain dimensions and they're off. Now what also at the same time I was talking to the building inspector informing him of this at the same time I was informed by the building inspector, Frank Lisi, to be exact and also Louis Kretcher (phonetic), I'm anticipating in the future a deck but that has nothing to do with this now so I'm just trying to put the rock before the stone, so to speak or whatever. And on this side of the house, this is the side that faces the woods on our lot, this would be the east side of the house, we originally had a deck there on the house prior, I'm just, I have a sliding glass door. Since I put that in, I had to have a means of egress to get in and out of the house, so we have a, some of the stairs there on that side and then on the back of the house which actually faces south and butts right up to number 80 Hudson Drive, we have another little deck with a set of stairs and I have the dimensions of those two decks, one is the rear deck right here is 11 foot three inches wide by ten foot four inches wide and the side deck right her is 4 feet wide by 15 feet long.

MR. TORLEY: You have two front yards so he gets to pick which is his rear yard then?

MR. BABCOCK: Well, he has to pick the one, it's because the other one will be worse, we're giving him

the benefit of the doubt of which his rear yard is.

MR. TORLEY: So you're assessing the rear yard as being one between the two houses?

MR. NEUMANN: Yes, sir.

MR. TORLEY: And the variance you're requesting is not including this deck or is including the deck?

MR. NEUMANN: It's including both these little decks and also the fact that it's over the setback boundary.

MR. TORLEY: And you do not anticipate putting in a bigger deck in the back?

MR. NEUMANN: Not for five or six years so I'll have to go through the hole process again. I don't have the money to do it now so I have no problem with that.

MR. REIS: Just to put you on notice, I guess I was involved with Mr. Neumann's first purchase on the property, his first house on this particular property, I just want to disclose that I'm in no way involved with what's happening now or there's no remuneration or reward for me voting on this. Okay, I'm just disclosing it to the board.

MR. TORLEY: Thank you very much, appreciate that. Gentlemen, do you have any questions at this time?

MR. RIVERA: Is it infringing on any waterways?

MR. NEUMANN: No.

MR. TORLEY: Doublecheck your measurements, give yourself enough slack, you don't want to say you're asking for 1 foot 9 inch variance if it turned out that you actually needed a 2 foot 9 inch rear yard variance, some day in the future bank may come down on you. We only go by what your measurements say, if this is a survey, so I assume it's accurate but if you're also talking about adding that little deck area for that back make sure those measurements are right, we can amend your request at some point.

October 28, 2002

7

MR. NEUMANN: All right.

MR. TORLEY: Gentlemen?

MR. RIVERA: Accept a motion?

MR. TORLEY: Yes, yes.

MR. RIVERA: Motion we set up Mr. Neumann for a requested 1 foot 9 inch rear yard variance to an existing single family residence at 82 Hudson Drive.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. TORLEY	AYE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

October 9, 2002

33

Paul Neumann
82 Hudson Drive
New Windsor, NY 12553

Re: 25-3-1

Dear Mr. Neumann:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

John McDonald
Acting Assessor

JM/lrd
Attachments

CC: Pat Corsetti, ZBA

22-1-1
Woodlawn Cemetery
93 Union Avenue
New Windsor, NY 12553

22-1-2
Myhed Corporation
PO Box 1150
Newburgh, NY 12550

22-1-3
Congregation Agudas Israel Cemetery
290 North Street
Newburgh, NY 12550

25-1-2 & 25-4-2
Alan & Eleanor Carpanini
72 Birchwood Drive
New Windsor, NY 12553

25-1-3
Ann Cosgrove
70 Birchwood Drive
New Windsor, NY 12553

25-1-4
Charles & Jason Ellick
68 Birchwood Drive
New Windsor, NY 12553

25-1-5
Michael & Nancy Nester
66 Birchwood Drive
New Windsor, NY 12553

25-1-6
Wilberto & Melba Bonet
64 Birchwood Drive
New Windsor, NY 12553

25-2-1
Eleanor Groff
75 Birchwood Drive
New Windsor, NY 12553

25-2-2
Wilfredo & Reina Quijano
81 Hudson Drive
New Windsor, NY 12553

25-2-3
Colleen Jollie
79 Hudson Drive
New Windsor, NY 12553

25-2-4
William & Harold Powles
Steven & Richard Powles
77 Hudson Drive
New Windsor, NY 12553

25-2-5
Anthony & Kathryn Anne Dario
75 Hudson Drive
New Windsor, NY 12553

25-2-6
David & Brea Bartolone
73 Hudson Drive
New Windsor, NY 12553

25-2-7
George Courtney
71 Hudson Drive
New Windsor, NY 12553

25-2-8
John & Marjorie Panzetta
69 Hudson Drive
New Windsor, NY 12553

25-2-20
Kenneth & Helen Miller
65 Birchwood Drive
New Windsor, NY 12553

25-2-21
Mary Kostenblatt
67 Birchwood Drive
New Windsor, NY 12553

25-2-22
John & Kathleen Garofal
69 Birchwood Drive
New Windsor, NY 12553

25-2-23
Anthony & Judith Solfaro
71 Birchwood Drive
New Windsor, NY 12553

25-2-24
John & Carol Soricelli
73 Birchwood Drive
New Windsor, NY 12553

25-3-2
Harold Powles
80 Hudson Drive
New Windsor, NY 12553

25-3-3
James & Barbara Quicksell
78 Hudson Drive
New Windsor, NY 12553

25-3-4
Thomas & Regina Di Giovanni
76 Hudson Drive
New Windsor, NY 12553

25-3-5
Jerry & Joan Jacobs
74 Hudson Drive
New Windsor, NY 12553

25-3-6
Suzanne Sweeney
72 Hudson Drive
New Windsor, NY 12553

25-3-7
Fernando & Maria Ferreira
70 Hudson Drive
New Windsor, NY 12553

25-4-1
Ralph & Linda Bracco
102 Glendale Drive
New Windsor, NY 12553

25-4-3
Dexter & Lorna Powers
104 Glendale Drive
New Windsor, NY 12553

26-1-1.1
Foxwood Associates
C/o Anthony & Costa
1200 Stony Brook Court
Newburgh, NY 12550

26-1-2.11

Edward & Angela Vasquez
133 Erie Avenue
New Windsor, NY 12553

X

26-1-2.12

Richard & Wendy Gerbes
131 Erie Avenue
New Windsor, NY 12553

X

Section 87

Windshire Village
Management Office
256 Quassaick Avenue
New Windsor, NY 12553

X

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE NAME ONLY

Amelia Katta
TO
Paul F. Neumann and
Cherlann B. Vander Vlier

SECTION 25 BLOCK 3 LOT 1

RECORD AND RETURN TO:
(Name and Address)

John B. F. Kelly
1045 Yonkers Ave
Yonkers NY 10704

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 57848 DATE 8-16-91 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove
CH22 Chester
CO24 Cornwall
CR26 Crawford
DP28 Deepark
GO30 Goshen
GR32 Greenville
HA34 Hamptonburgh
HI36 Highlands
MK38 Minisink
ME40 Monroe
MY42 Montgomery
MH44 Mount Hope
NT46 Newburgh (T)
NW48 New Windsor
TU50 Tuxedo
WL52 Wellkill
WK54 Warwick
WA56 Wawayanda
WO58 Woodbury
MN09 Middletown
NC11 Newburgh
PJ13 Port Jervis
9999 Hold

SERIAL NO. _____

Mortgage Amount \$ _____

Exempt Yes _____ No _____

3-6 Cooking Units Yes _____ No _____

Received Tax on above Mortgage

Basic \$ _____

MTA \$ _____

Spec. Add. \$ _____

TOTAL \$ _____

CHECK ☒ CASH ☐ CHARGE _____

MORTGAGE TAX \$ _____

TRANSFER TAX \$ 500-

ED. FUND \$ 5.00

RECORD. FEE \$ 14-

REPORT FORMS \$ 30-

CERT. COPIES \$ _____

MARION S. MURPHY
Orange County Clerk

by: Li

ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on AUG 22 1991

at 2:44 O'Clock P
In Liber/Film 3484 and examined
at page 219

Marion S. Murphy
County Clerk

RECEIVED
\$ 500-
REAL ESTATE
AUG 22 1991
TRANSFER TAX
ORANGE COUNTY

LIBR 3484 PAGE 219

ORG 08/22/91 08:44:37 34071 44.00
***** EDUCATION FUND: 5.00 *****
DEED CONTROL NO: 57848 500.00 *
***** SERIAL NUMBER: 000517 *****

LJF/jc/19,244

25-3-1.

Form 21-13 (Standard N.Y.S.T.U. Form 007-9/66) - Mortgage and Sale Deed, with Covenant against Grantee's After-Acquired or

THIS INDENTURE, made the 16th day of August, nineteen hundred and nine

BETWEEN AMELIA KATTA
19 Jackson St.
Highland Mills, NY

party of the first part, and

AK CHRYSLER S. Vander Vliet
PAUL F. NEUMANN and CHERYL ANN VANDERVLIEET, residing at 100
Lewis Avenue, Pearl River, New York 10965 as Joint Tenants
right of Survivorship AND NOT AS TRUSTEES IN COMMON

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN (\$10.00) -----

lawful money of the United States,

by the party of the second part, does hereby grant and release unto the party of the second part, his
successors and assigns of the party of the second part forever,

All that certain plot, place or parcel of land, situate, lying and being in
the Town of New Windsor, County of Orange and State of New York, known
shown as Lot No. 82 Hudson Drive, on Map of Plot C, Willow Acres, sold
Brothers, made August 1959, by Nial Sherwood, C.E., filed December 1959
Map No. 1847, Pocket 15, Folder A, Orange County Clerk's Office, with
more particularly bounded and described as follows:

BEGINNING at a point on the southerly bounds of Hudson Drive, said point
North 40 degrees East 360 feet as measured along the said southerly
Hudson Drive from the northeast corner of Lot No. 72 Hudson Drive
the aforesaid Map of Plot "C", Willow Acres Development, filed in the
County Clerk's Office, said point also being North 40 degrees East
from the corner formed by the intersection of the westerly bounds of
Avenue with the southerly bounds of Hudson Drive;

Thence South 50 degrees East 125 feet to a point;

THENCE North 40 degrees East 101.57 feet to the southerly bounds of
Avenue;

THENCE North 53 degrees 47 minutes West along the aforesaid bounds of
Avenue 125.27 feet to a point;

THENCE South 40 degrees West along the southerly bounds of Hudson Drive
feet more or less to the place of BEGINNING.

BEING AND INTENDED TO BE the same property acquired by Deed from
William P. Yeaton and Catherine Yeaton, by Deed dated May 24, 1983,
and recorded on July 16, 1983, in Liber 2254 of Deeds, Page 348
in the Office of the Orange County Clerk.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.


IN PRESENCE OF

Amelia Katta
Amelia Katta

STATE OF NEW YORK, COUNTY OF Rockland

On the 16th day of August, 1971, before me personally came
Amelia Katta

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.


LISA J. FELICISSIMO
NOTARY PUBLIC, State of New York
No. 4971237
Qualified in Rockland County
Commission Expires Aug. 27, 1992

STATE OF NEW YORK, COUNTY OF

On the day of , 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of , 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of , 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

Amelia Katta

TO

Paul F. Neumann and Cheryl Ann Vanderliet

STANDARD FORM OF
NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

Lawyers Title Insurance Corporation

The land affected by the within instrument lies in:

SECTION 25

BLOCK 3

LOT

COUNTY OR TOWN ORANGE, NY WINESBORO

RECORDED AT THE REQUEST OF

Lawyers Title Insurance Corporation

RETURN BY MAIL TO

Lisa Felicissimo, Esq.

P.O. Box 744

Centreat Valley, NY 10917

John B. F. Kelly

1045 Yonkers Ave

Yonkers, NY 10704

Reserve This Space For Use of Recording Office

LISB 3484 PAGE 222